

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LULATI SOKOL,

Petitioner

v.

BUREAU OF IMMIGRATION AND
CUSTOMS ENFORCEMENT
INTERIM FIELD DIRECTOR FOR
PHILADELPHIA DISTRICT

Respondent

CIVIL NO. 3:CV-06-0621

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Lulati Sokol is presently a detainee of the Bureau of Immigration and Customs Enforcement (“ICE”) incarcerated at the York County Prison, Pennsylvania. He files the instant habeas corpus petition pursuant to 28 U.S.C. § 2241. Permission to proceed in forma pauperis will be granted for the sole purpose of pursuing this action. In the petition, Sokol contends that he has never had any type of custody review with regard to his detention by ICE. He claims that ICE has been unable to remove him and that he poses no threat to society and is not a flight risk. He seeks release pursuant to Zadvydas v. Davis, 533 U.S. 678 (2001).

Sokol filed an earlier action in this court on February 1, 2006, wherein he submitted the identical habeas petition filed in the above action. See Sokol v. ICE

Interim Field Director for District of Philadelphia, 3:CV-06-0244. On February 13, 2006, the court issued a Memorandum and Order referring the issue of Sokol's release to the government to be treated as a request for release, and directing ICE to provide Sokol with a response to his request within thirty (30) days. (See Civ. Action 06-0244, Doc. 4.) Pursuant to later documents submitted in said case, the court learned that a custody review was conducted by ICE on March 3, 2006. (Id., Doc. 7 at 1.)

In light of the foregoing, it is clear that the relief sought by Sokol in the instant petition has been received - - a custody review. Even though it may be the case that Sokol now is unhappy with the determination by ICE to continue his detention following the March 3, 2006 review, the court finds it more prudent to dismiss the instant petition without prejudice to allow Sokol to file a new petition setting forth any specific challenges he has to the March 3, 2006 determination. As the instant petition is merely an exact duplicate of his original filing in his earlier action seeking a custody review, the court declines to speculate what arguments Sokol seeks to present and upon what basis. Further, it is also possible that the instant duplicate petition was filed by Sokol in error as it does not reference the March 3, 2006 custody review or raise any challenges to said determination.

**ACCORDINGLY, THIS 28th DAY OF MARCH, 2006, IT IS HEREBY
ORDERED AS FOLLOWS:**

1. Petitioner is granted leave to proceed in forma pauperis for the sole purpose of filing the instant petition.
2. The petition for writ of habeas corpus is **dismissed without prejudice**.
3. The Clerk of Court is directed to **close this case**.

s/Edwin M. Kosik

United States District Judge